IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.256 OF 2005
IN
FAMILY COURT APPEAL NO.1 OF 2004

Atulchandra Madhukar Kulkarni .. Applicant
V/s
Hema Atulchandra Kulkarni .. Respondent

Smt.Seema Sarnaik for the Applicant.
Mrs.Anjali Helekar for the Respondent.

CORAM: DR.S.RADHAKRISHNAN &
SMT.V.K.TAHILRAMANI, JJ.

DATE : 2.12.2005.

P.C.:

1. Rule. Heard the learned Advocate for the Applicant and the learned Advocate for the Respondent.

2. Mrs.Anjali Helekar, the learned Advocate for the Respondent states that there are no instructions from the Respondent in this matter.

3. Perused the judgment and order dated 28th October, 2005 passed by the Division Bench of this Court wherein in Paragraph No.23(3) of the judgment and order, the Division Bench has directed the Applicant-husband to invest a sum of Rs.7 lakhs in the RBI Bonds in the name of his wife (Respondent herein) and his son. Also perused the Civil Application. In paragraph Nos.7 and 8 of the Civil Application it is clearly stated that inspite of the repeated attempts made by the Applicant-husband the Respondent-wife has refused to sign the applications for investment of the aforesaid amount in the RBI Bonds and refused to sign the release deeds. As the investments are to be made jointly in the name of Respondent-wife and the son, the signatures of

Respondent-wife are necessary. Actually we had directed the learned Advocate for the Applicant to inform again the Respondent-wife, but the Respondent wife by her letter which is annexed as Exhibit 'C' to the affidavit dated 1.12.2005 has categorically stated that she will not be able to remain present before the Court today and that she desires to challenge the order dated 28.10.2005 before the Hon'ble Supreme Court.

4. This application has been made within time so as to enable the Applicant-husband to secure the RBI Bonds as per the order dated 28.10.2005. Having regard to the aforesaid facts and circumstances, we are inclined to direct the Applicant-husband to deposit the entire amount of Rs.7 lakhs (Seven Lakhs) in this Court within a period of one week from today. The learned Advocate for the Applicant-husband, on instructions from the Applicant-husband who is present in Court states that the Applicant-husband will deposit the aforesaid amount of Rs.7 lakhs in this Court within a period of one week from today. Rule is made absolute in terms of prayer clauses (b), (d) and (e).

5. It is made clear that the Respondent-wife, if desirous, is at liberty to move this Court for getting the aforesaid amount of Rs.7 lakhs invested in the RBI Bonds.

(DR.S.RADHAKRISHNAN, J.)

(SMT.V.K.TAHILRAMANI, J.)